

MCLE RULES AND REGULATIONS

Proposed Amendments

6.0 SPECIAL CASES AND EXEMPTIONS

6.3 AFFIRMATIVE SHOWING ~~ATTESTATION OF EXEMPTION FROM OR MODIFICATION OF THE REQUIREMENT~~

Members claiming exemption from or modification of the minimum continuing legal education requirement shall ~~attest to provide an affirmative showing and/or~~ furnish such substantiation of their exempt status or modification of the requirement as the State Bar may require.

11.0 GENERAL COMPLIANCE PROCEDURES

11.1 AFFIRMATIVE SHOWING OF COMPLIANCE CARD

Each member shall ~~be sent a Compliance Card before the end of the member's compliance period. Each member shall complete the card by attesting under penalty of perjury provide an affirmative showing of compliance, in a manner acceptable to the State Bar of California, that the member has complied with the education requirement or is exempt and the nature of the exemption. Such Compliance Cards affirmative showing must be provided returned to the State Bar address listed on the Compliance Card and must be postmarked no later than the day after the end of the member's compliance period.~~

11.2 MEMBER RECORDKEEPING REQUIREMENT

Members shall maintain sufficient proof of their compliance with the education requirement or their exempt status for at least one year from the date on which the member ~~complies provides an affirmative showing of compliance to the State Bar of California, with the MCLE requirement and~~ Members shall provide such proof of compliance or exempt status to the State Bar as the State Bar may require. However, members shall not submit certificates of attendance, hours of credit, etc., to the State Bar unless specifically requested to do so. The certificate of attendance that the provider must provide to the member pursuant to section 7.2.3 shall be a sufficient record of attendance at a participatory activity. A member's own record of self-study activities that includes, as appropriate, the title, provider, the amount of credit claimed for the education activity, including a breakdown of credit claimed for the subjects set forth in sections 2.1.1, 2.1.2, and 2.1.3 based on the formulas set forth in section 5.0, and the date on which the member engaged in the activity shall be a sufficient record of compliance for self-study.

12.0 NON-COMPLIANCE PROCEDURES

12.1 WHAT CONSTITUTES NON-COMPLIANCE

Non-compliance shall include any of the following:

12.1.1 Failure to complete the education requirement within the compliance period or any granted extension thereof;

12.1.2 Failure to provide ~~attestation an affirmative showing of compliance, in a manner acceptable to the State Bar of California~~ (including ~~attestation an affirmative showing of exempt status~~);

12.1.3 Failure to provide satisfactory ~~evidence~~proof of compliance (including ~~evidence~~proof of exempt status) within the prescribed time after a request by the State Bar; or

~~12.1.4 Failure to satisfy the education requirement and furnish evidence of such compliance within 60 days after receipt of a Non-Compliance Notice; or~~

12.1.54 Failure to pay all non-compliance fees within the time prescribed after a request by the State Bar.

12.2 NON-COMPLIANCE NOTICE AND 60-DAY PERIOD TO ATTAIN COMPLIANCE

Members failing to comply will receive a Non-Compliance Notice stating what the member must do to comply and will be given at least 60 days from the date of notification to comply with the requirements. ~~Such notice contain the following language near the beginning of the notice:~~

~~If you fail to provide adequate proof of compliance with the minimum continuing legal education requirement by (insert date at least 60 days from date notice is sent), you shall be enrolled as an inactive member of the State Bar and will not be permitted to practice law until such time as adequate proof of compliance is received by the State Bar.~~

Such Notice shall inform members that those who fail to comply by the stated deadline will not be permitted to practice law until such time as adequate proof of compliance is received by the State Bar.

Members given at least 60 days to respond to a Non-Compliance Notice may use this period to attain the adequate number of credit hours for compliance. Credit hours earned during this period may only be counted toward compliance with the prior compliance period's requirement unless hours in excess of the requirement are earned, in which case the excess hours may be counted toward meeting the current compliance period's requirement.

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